

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-004-0063

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and Defendant:

TIERRA GRANDE, INC.

(“Defendants”) concerning the Defendant’s right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendant and the subject matter of this suit.
2. The State and the Defendant are in agreement concerning the Defendant’s right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant have approved and accepted the elements of Defendant’s water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to elements of the

claims of the Defendant adjudicated by this order.

4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. POND(S) (Surface Water Only):

Office of the State Engineer File No(s): 3841; 0436-A into 3841

Priority: Reserved for future determination by court order entered November 26, 2001

Amount of Water: 61.32 acre feet (initial filling only)

13.32 acre-feet per annum

Source of Water: Surface water of the Nutritas Creek, a tributary of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: STOCKWATERING AND RECREATION

Point of Diversion: NUTRITAS CREEK

Location: X= 1,564,535 feet Y= 2,079,625 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Pond Location and Surface Area:

Within the Tierra Amarilla Grant

	<u>6.5 acres</u>
Total	6.5 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHRB-004-0063

Pond Volume: 47 acre-feet

Dam Height: 28 feet maximum height above foundation

5. Defendants have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders

entered by this Court in this cause.

6. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

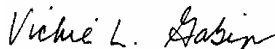
IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:



VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED: William M. Wilson
Tierra Grande, Inc.

ADDRESS: 10420 ARVILLA, N.E.
Albuquerque, N.M. 87111

DATE: 9-10-07

Ed Neville
EDWARD G. NEWVILLE
Special Assistant Attorney General

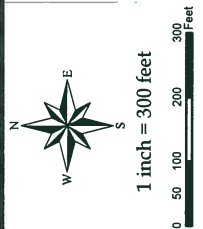
9-13-07
Date



Subfile Number
CHRB 004-0063
Nutritas Creek
AMENDED July 6, 2007



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer
Rio Chama Hydrographic Survey
Rio Brazos Section



- LEGEND
- Irrigated Tract Boundary
 - No Right Tract Boundary
 - Seeped Area
 - Operable Ditch
 - Inoperable Ditch
 - Stock Ponds / Reservoir
 - Point of Diversion
 - Well
 - Spring
 - Fallow
 - No Right